



6-1504-A

443

OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. H. L. Washburn
County Auditor
Harris County
Houston, Texas

Dear Sir:

Reconsideration of Opinion O-1504-A
Re: Construing Article 625, C.C.P.,
as amended by S. B. No. 401,
Acts 46th Legislature.

We have reconsidered our opinion No. O-1504, addressed to you, in which we held that Harris County was exempted from the provisions of Art. 625, C. C. P., as amended by S. B. No. 401, Acts 46th Legislature, and have concluded that we were in error in so holding. That opinion is withdrawn and this opinion is substituted therefor.

Senate Bill No. 401, Acts of the 46th Legislature, reads as follows:

"Section 1. Article 625 of the Code of Criminal Procedure of the Revised Statutes of 1925, is hereby amended so as to read as follows:

"Special pay for veniremen. All men summoned on special venire who have been challenged or excused from service on the trial, shall be paid out of the jury fund One (\$1.00) dollar for each day that he attends court on said summons. No person shall receive pay as a special venireman and regular juror for the same day. No per diem shall be allowed under this Article to any venireman for more than one case the same day.

"Section 2. Provided, however, the terms and conditions of this Bill shall not apply to any county in this State having a population of not less than two hundred ninety thousand (290,000)

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nor more than three hundred fifty-five thousand (355,000) according to the last preceding Federal Census, and all future Federal Census."

"Section 3. The fact that the law does not now provide for the payment of many special veniremen, creates an emergency and imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted."

Article 625, Code of Criminal Procedure, before the above mentioned amendment, read as follows:

"Art. 625. (701) Special pay for veniremen.

"All men summoned on special venire who have been challenged or excused from service on the trial, and who reside more than one mile distant from the court house of the county, shall be paid, out of the jury fund, one dollar for each day that he attends court on said summons. No person shall receive pay as a special venireman and regular juror for the same day. No per diem shall, in any event, be allowed any venireman under this article, who resides within the corporate limits of the county seat, if incorporated, nor shall any per diem be allowed any venireman for more than one case the same day. (Acts 1907, p. 214.)"

Article 625, supra, before the amendment, applied to all counties in the state and provided compensation of \$1.00 for each day that a special venireman attended court on summons, except in the cases where the special venireman resided less than one mile distant from the court house, or where the special venireman resided within the corporate limits of the county seat, if incorporated. From the emergency clause of Senate Bill No. 401, Acts of the 46th Legislature, it is apparent that it was the intention of the Legislature to enlarge Article 625, supra, so all special veniremen would receive the compensation of \$1.00 each, for each day that they attend court as such veniremen, including those who resided less than one mile from the court house, and those who resided within the corporate limits of the county seat, except those special veniremen who reside in counties having a population of not

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less than 290,000 or more than 355,000 inhabitants according to the last preceding Federal census and all future Federal Census.

Therefore, you are respectfully advised that it is the opinion of this department that said Article as amended by Senate Bill No. 401, Acts of the 45th Legislature, applies to Harris County and all other counties in this State, except those counties having a population bracket from 290,000 to 355,000 inhabitants, as shown by the last or any subsequent Federal Census.

Yours very truly

APPROVED MAY 3, 1940

ATTORNEY GENERAL OF TEXAS

[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

By *[Signature]*
Ardell Williams
Assistant

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